

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claim 7 is cancelled. Claims 1-6 and 8-15 remain in the application and are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-2, 4-6, 8, and 10-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Misra (U.S. Patent No. 6,189,146). Applicant submits that claims are patentably distinguishable over Misra.

Claim 1, for example, calls for:

a transmitting unit operable to transmit a decryption key to the another apparatus when the authentication information is valid and a count of a total number of apparatuses having permission to receive the encrypted content is less than a maximum value, the decryption key being needed to decrypt the encrypted content[.] (Emphasis added.)

The Examiner contends that Misra teaches such a transmitting unit and relies on column 10, lines 38-67 and on Fig. 3, reference numeral 126 of the reference. The relied-on sections of Misra, however, merely describe that when a client is authenticated, a granting module 126 (i) grants a software license to the authenticated client, (ii) assigns the client ID to the license and stores that ID in the license, (iii) associates the client ID and the license ID in a table, (iv) fills in fields of the license data structure, and (v) digitally signs the software license using a signing key that is not disclosed to the client. The relied-on sections of Misra do not disclose or suggest transmitting a decryption key to another apparatus.

It follows that the relied-on sections of Misra do not disclose or suggest the combination called for in claim 1 and therefore do not anticipate the claim.

Independent claims 4, 5, 6, 10, and 11 each include limitations similar to those set out in the above excerpt of claim 1. Therefore, each of these claims is distinguishable over the relied-on sections of Misra for at least the same reasons.

Claims 2 and 12 depend from claim 1, and claims 8 and 13 depend from claim 6. Therefore, each of these claims is distinguishable over the cited art for at least the same reasons as the claim from which it depends.

The Examiner also rejected claims 3 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Misra in view of Yoshiura (U.S. Patent No. 6,131,162). Applicant submits that the claims are patentably distinguishable over the cited references.

Claim 3 depends from claim 1, and claim 9 depends from claim 6. Therefore, claims 3 and 9 are each distinguishable over Misra for at least the same reasons.

The Examiner also acknowledges that Misra does not disclose the limitations set out in claims 3 and 9 but contends that Yoshiura does teach such limitations and relies on column 25, lines 1-67 of Yoshiura. However, the relied-on section of Yoshiura merely describes that a consumer 1100 requests and receives a public key from a mark manager 1120 and then stores the public key in a public key database 1801 (see Fig.19 step 11103, and col.25 ll.33-39) and merely describes that a vendor 1110 receives a mark, creates a Web page in which the mark is pasted, and then stores the Web page in a Web page database 1114 for access by the consumer 1100 (see Fig.19 steps 11108 and 11109, and col.25 ll.61-64). The relied-on section of Yoshiura is not at all concerned with deleting identification information stored in a storage unit and is not at all concerned with resetting a count of a total number of

apparatuses having permission to receive encrypted content when a decryption key is changed.

Hence, the relied-on section of Yoshiura does not disclose or suggest the limitations recited in claim 3, and the relied-on section of Yoshiura does not disclose or suggest the limitations recited in claim 9.

Finally, the Examiner rejected claims 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Misra. Claim 14 depends from claim 4, and claim 15 depends from claim 5. Therefore, claims 14 and 15 are each distinguishable over Misra for at least the same reasons.

Accordingly, the withdrawal of the rejections under 35 U.S.C. §§ 102(e) and 103(a) are respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

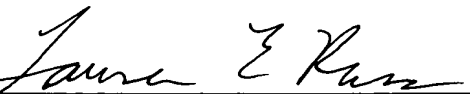
Application No.: 09/900,584

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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